

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**

DEBORAH J BOISSONEAU,  
Debtor.

CHAPTER 13  
CASE NO. 09-77646-SWR  
JUDGE STEVEN W RHODES

**TRUSTEE'S OBJECTION TO THE DEBTOR'S CLAIMED EXEMPTION ON  
AMENDED SCHEDULE C FILED JANUARY 27, 2010**

**NOW COMES** the Chapter 13 Trustee, Krispen S. Carroll, and objects to the debtor's claimed exemption, and states:

1. Trustee objects to debtor's exemption in cash on hand in the amount of \$25.00 and cash in a bank account in the amount of \$5,600.00 under MCL 600.5451(1)(b) as cash is not exemptible under the statute cited.
2. Trustee objects to debtor's exemption in three ERISA qualified pensions/retirement plans and two IRAs under MCL 600.5451(1)(l) and (m) as the statute prohibits exemption in amounts contributed within 120 days before filing and Trustee does not have verification of debtor's contributions. Accordingly, Trustee requests statements for the four months preceding the filing of the bankruptcy to reflect any contributions by the debtor.

**WHEREFORE**, the Chapter 13 Trustee prays this Honorable Court deny the debtor's claimed exemption and provide such other and further relief as this court deems just and appropriate.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Trustee

February 16, 2010

\_\_\_\_\_  
/s/ Margaret Conti Schmidt  
KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
719 Griswold Street  
1100 Dime Building  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**

DEBORAH J BOISSONEAU,  
Debtor.

CHAPTER 13  
CASE NO. 09-77646-SWR  
JUDGE STEVEN W RHODES

**ORDER GRANTING TRUSTEE'S OBJECTION  
TO THE DEBTOR'S CLAIMED EXEMPTION ON AMENDED SCHEDULE C FILED  
JANUARY 27, 2010**

This matter having come to be heard upon the Trustee's Objection to the Debtor's Claimed Exemption filed pursuant to E. D. Mich. LBR 9014-1, the Objection having been duly served on Debtor's counsel and the last known address of the Debtor and the requisite time having passed without objection having been timely served, a Certificate of No Response having been filed and the relief requested in the Objection being warranted, and the Court being otherwise sufficiently advised in the premises;

**IT IS HEREBY ORDERED** that the debtor's exemption of cash on hand in the amount of \$25.00 and cash in a bank account in the amount of \$5,600.00 under MCL 600.5451(1)(b) and three ERISA qualified pensions/retirement plans and two IRAs under MCL 600.5451(1)(l) and (m) are hereby denied.

**EXHIBIT "A"**

UNITED STATES BANKRUPTCY COURT  
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CHAPTER 13  
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JUDGE STEVEN W RHODES

\_\_\_\_\_/

**BRIEF IN SUPPORT OF TRUSTEE'S OBJECTION TO**  
**THE DEBTOR'S CLAIM OF EXEMPTIONS ON AMENDED SCHEDULE C FILED**  
**JANUARY 27, 2010**

**NOW COMES** the Chapter 13 Trustee, Krispen S. Carroll, and in support of the Objection to the Debtor's Claim of Exemptions relies on 11 U.S.C. § 522 as authority for the allowance of appropriate exemptions. Further, the Trustee would assert that without complete disclosure of information in Debtor's Chapter 13 Schedules, a proper determination of the allowance of exemptions cannot be made.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Trustee

February 16, 2010

\_\_\_\_\_/s/ Margaret Conti Schmidt  
KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT**

**IN THE MATTER OF:**

DEBORAH J BOISSONEAU,  
Debtor.

CHAPTER 13  
CASE NO. 09-77646-SWR  
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**NOTICE OF TRUSTEE'S OBJECTION TO THE DEBTOR'S CLAIMED EXEMPTION ON  
AMENDED SCHEDULE C FILED JANUARY 27, 2010**

The Chapter 13 Trustee has filed papers with the court to deny the debtor's claimed exemption of cash on hand in the amount of \$25.00 and cash in a bank account in the amount of \$5,600.00 under MCL 600.5451(1)(b) and three ERISA qualified pensions/retirement plans and two IRAs under MCL 600.5451(1)(l) and (m).

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)**

If you do not want the court to deny the debtor's claimed exemption or if you want the court to consider your views on the debtor's exemption, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at<sup>1</sup>:

**United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT  
ATTN: MOTION DEPARTMENT  
719 Griswold Street  
1100 Dime Building  
Detroit, MI 48226**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Trustee's Objection and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT  
Krispen S. Carroll, Chapter 13 Trustee

February 16, 2010

\_\_\_\_\_  
/s/ Margaret Conti Schmidt  
KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
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Detroit, MI 48226  
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bae <sup>1</sup>Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e)

**UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S OBJECTION TO THE DEBTOR'S CLAIMED EXEMPTION ON AMENDED SCHEDULE C FILED JANUARY 27, 2010, NOTICE OF TRUSTEE'S OBJECTION, and CERTIFICATE OF MAILING** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

FIREBAUGH & ANDREWS PLLC  
38545 FORD RD STE 104  
WESTLAND, MI 48185-0000

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

DEBORAH J BOISSONEAU  
1711 SOUTH BLVD  
ANN ARBOR, MI 48104-0000

February 16, 2010

/s/ Barbara A. Ecclestone  
Barbara A. Ecclestone  
For the Office of the Chapter 13 Trustee-Detroit  
719 Griswold Street  
1100 Dime Building  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com

bae